

REMARKS

In the *Office Action*, the Examiner restricts Claims 39-60 into two alleged invention groups: Group I (Claims 39-50) and Group II (Claims 51-60) (Applicant cancelled Claim 38 in a previous amendment). Applicant restricts, without traverse, the Application to Claims 39-50. Applicant withdraws and cancels Claims 51-60, thus Claims 39-50 remain pending.

Applicant's election is made subject to the allowance of a generic claim and Applicant reserves the right to pursue additional claims in this Application or in a continuation Application. Applicant also reserves the right to pursue the non-elected claims in a later filed divisional or continuation application. In addition, Applicant reserves the right to pursue claims of similar scope as originally filed or broader claims than originally filed in a later filed divisional or continuation application. Applicant respectfully submits that the Application is in condition for allowance and requests early and favorable consideration.

Statement Regarding Prior Information Disclosure Statement Submission

In accordance with the continuing duty under 37 C.F.R. § 1.56 to disclose to the USPTO information that may be material to patentability of the above-identified Application, Applicant wishes to inform the Examiner of information pertaining to a previously submitted IDS.

On 3 September 2009, Applicant submitted a July 2009 Office Action from the Japanese Patent Office (JPO). The submission contained English text of the Office Action and references cited in the Office Action. Applicant informs the Examiner that the submitted English-language text was provided by a foreign associate, and while Applicant can not verify the full authenticity of the Office Action, Applicant has no reason to doubt the translation. In this IDS Submission, Applicant provides the original JPO Office Action to make it of record in the case.

The submission of this information shall not be an admission that this information is necessarily material to the patentability of the Application. In addition, the submission of this information shall not be deemed that a search has been conducted or that the information is prior art. *See* 37 C.F.R. § 1.97 (g)-(h). Applicants respectfully request the Examiner to consider the cited documents prior to the preparation of a first *Office Action* on the merits and initial where indicated on the form after reviewing the listed documents. No fee is believed due since the IDS is being submitted prior to a first *Office Action* on the merits.

Fees & Express Petition For Two-Month Extension

Applicants believe no fee is due under 37 C.F.R. § 1.17 as the IDS is being submitted prior to an Office Action on the merits. Applicants petition for a two month extension of time pursuant to 37 C.F.R. § 1.136, and pay the extension fee via EFS-Web. No other fees are believed due. The Commissioner is, however, authorized to charge any deficiency in fees to Deposit Account No. 20-1507.

Conclusion

By the 8 September 2009 *Office Action*, Claims 39-53 are pending, and subject to restriction. Applicant elects Claims 39-50, and withdraws Claims 51-60. The undersigned invites the Examiner to contact the undersigned should any other issues remain prior to the allowance of this Application. Early and favorable consideration is respectfully requested.

Respectfully submitted,

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